



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CIVIL APPLICATION NO. 6890 OF 2024
IN FA/2143/2025

SAVITA RAGHVENDRA JHA AND ORS
VERSUS
NATIONAL INSURANCE COMPANY LTD THROUGH ITS DIVISIONAL
MANAGER AND ANR

...
Advocate for Applicant : Mr. Gore Ravindra Vitthal
Advocate for Respondent No. 1 : Mr. A.S. Usmanpurkar
...

CORAM : SHAILESH P BRAHME, J.

DATE : 22.08.2025

PER COURT :

Heard both the sides.

2. The claimants are claiming amount of Rs. 53,61,464/-, deposited by the respondent-Insurance Company, besides statutory deposits of Rs. 25,000/-.

3. It's a death claim and there are witnesses to the accident. On their statements, the registration number of the offending vehicle was disclosed to the police. The papers of investigation were produced before the Tribunal and after considering the entire material, compensation was awarded.

4. The learned counsel Mr. Usmanpurkar opposes the application. He would submit that the accident in question is totally fictitious and which is apparent from the police papers. The first information report was lodged against unknown vehicle. The witness, who after 28 days reported the police, the registration number of the offending vehicle was very well present and the police personnel identified him on the same day. It is submitted that the theory that P.W. 3 learnt the registration number from the

news paper is inherently improbable.

5. The oral testimony of the investigating officer, who is P.W. 4 and P.W. 3 is inconsistent. My attention is adverted to the examination of the investigating officer. He was on the verge of retirement. His conduct is doubtful. My attention is also adverted to the enquest panchnama. It is submitted that the theory of accident is inherently improbable from the police papers. Under these circumstances, no benefit can be given to the applicant relying on the judgment of the Supreme Court in the matter of **Geeta Dubey Vs. United India Insurance Company Ltd.; AIR 2025 SC 386.**

6. Apparently, submissions of the learned counsel Mr. Usmanpurkar cannot be discarded. The inconsistency in the ocular testimony of the witnesses is apparent on record. There is a room to castigate a doubt regarding the accident. However, I cannot be oblivious of the fact that it is a death claim and bread earner of the family lost his life. The rival submissions on merits of the case can be dealt with at the time of final hearing. At this juncture, ends of justice would be made by permitting the applicant to receive 50% of the amount with accrued interest.

7. The Civil Application is allowed partly. The applicant is permitted to receive 25% of the amount with accrued interest on furnishing undertaking and further 25% of the amount on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-